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Human Rights Council
Twenty-eighth session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03782 (E)

1503782

Please recycle

Myanmar: Human Rights Council must address the need for stronger safeguards to ensure business respects human rights[1]

Summary

Foreign investment in Myanmar has been increasing since 2012, after political and economic reforms by the Myanmar government led Western States to ease sanctions that had previously been imposed on the country. Such investment can improve the lives of the people of Myanmar. However, Amnesty International and other civil society groups have major concerns that basic legal safeguards are not yet in place to ensure that investment projects – especially large extractive projects – do not infringe on the human rights of persons living in communities in the vicinity.

Amnesty International has conducted a detailed investigation into illegality and related serious human rights abuses linked to the Monywa copper mining project.[2] These include forced evictions to make way for mining operations; violent repression of protests by Myanmar authorities; and environmental impacts posing a threat to local people's health and access to safe drinking water. The corporate actors involved, which include Canadian, Chinese, and Myanmar companies, have profited from and in some cases colluded with the Myanmar authorities in these abuses – yet the governments of China, Canada and Myanmar have failed to carry out proper investigations and hold the companies to account.

These concerns are not unique to the Monywa project. Amnesty International urges the Human Rights Council to address corporate abuses in any forthcoming resolution on the situation of human rights in Myanmar. The Government of Myanmar should investigate and remedy past abuses at Monywa, and impose stronger legal safeguards to protect people from corporate human rights abuses. The organisation also calls for specific action by the home State governments of companies involved in the Monywa project, and for all governments to require companies entering Myanmar to carry out enhanced human rights due diligence.

Abuses and protests at Monywa

The Monywa project has a long history of **forced evictions**. In 1996 and 1997, the government of Myanmar nationalised 5411 acres of land to make way for a joint venture between the State-owned Mining Enterprise No. 1 (ME1) and Ivanhoe Mines (now Turquoise Hill Resources), a Canadian mining company. Thousands of villagers were driven from their homes and farmland - without any due process, consultation, or payment of adequate compensation - depriving them of their primary source of livelihood. Ivanhoe Mines knew, or should have known, that people were at risk of forced evictions, but did not build in any safeguards to ensure that the land acquisition did not involve human rights violations. Neither it nor ME1 took any corrective action once the forced evictions were carried out.

Development of the Letpadaung mine began in 2011, after the Monywa project was taken over by a Chinese company, Wanbao Mining, and the Myanmar military-owned Union of Myanmar Economic Holdings Limited (UMEHL).

Between 2011 and 2014, more people were forcibly evicted from their homes and farmland after land was acquired for the Letpadaung mine. The authorities failed to meet necessary requirements under international human rights law. The government-appointed Letpadaung Investigation commission found that the authorities had misled people about the land acquisition and evictions. Wanbao's subsidiary both provided material assistance to the Myanmar authorities and also directly engaged in forced evictions itself. As of May 2014, 245 households from four villages in the affected area had been moved to resettlement sites, but 196 households have refused to move. Thousands of people remain at risk of forced eviction.

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[1] A version of this statement with footnotes is available at: www.amnesty.org/en/library/info/ASA16/011/2015/en

[2] Amnesty International, *Open for business? Corporate crime and abuses at Myanmar copper mine*, 10 February 2015, Index: ASA 16/003/2015, available at: http://www.amnesty.org/en/library/info/ASA16/003/2015

The government has targeted activists and individuals who have opposed the new mine and has **repressed protests** against it. Amnesty International has documented a pattern of arrests of people under the Peaceful Assembly and Peaceful Procession Law, 2011 and various provisions under the penal code, and of the use of provisions under the Code of Criminal Procedure to restrict access to and any assembly in the mining area.

On 29 November 2012 police brutally attacked monks and villagers peacefully protesting against the Letpadaung mine, including attacking them with incendiary white phosphorus munitions. The government's intentional use of white phosphorus munitions to punish and intimidate protesters and which caused them severe pain and suffering amounts to torture. No police officer or official has been investigated or prosecuted for their role in the attack, and the police continue to fail to comply with international standards on the use of force while providing protection to the mining operation. On 22 December 2014, Daw Khin Win, a farmer, was killed after police opened fire on protesters.

There are also ongoing concerns over the **environmental impacts** of both the Letpadaung mine and the existing Sabetaung and Kyisintaung (S&K) mine. Hazardous waste materials were discharged from the S&K mine in 1995 and 1996 over a large area of land and in the local river, but the government has failed to protect people living in the vicinity from the pollution which can negatively impact their rights to water and health. The Government has also allowed new mining operations to commence without ensuring a clean-up, and has left companies to monitor the environmental impacts of the new Letpadaung mine's operations. Despite the risk of adverse human rights impacts including on the right to health, Amnesty International's investigation reveals critical gaps and weaknesses in the Environmental and Social Impact Assessment for the Letpadaung project, which must be urgently addressed before any further construction is undertaken.

The Commission also found that the Union of Myanmar Economic Holdings Limited, a military-owned business, had illegally set up and operated a sulphuric acid factory, to supply acid to the mining operations, for six years without obtaining permission from the government. UMEHL has abused the right to health of villagers who live about 200 metres away from the factory, but the government has taken no action against the company and allowed operations to continue.

Lack of adequate legal safeguards

The government of Myanmar enacted two laws in 2012: The Farmland Law, and the Vacant, Fallow and Virgin Lands Management Law. The government retains very broad powers to 'resume' possession of the land. The laws do not prohibit forced evictions or do they set out safeguards, as required under international law that must be complied with prior to evictions. At present, many people, especially small scale farmers and women-headed households, suffer from insecurity of tenure and are at risk of forced evictions when the government takes over land for commercial projects.

The Environmental Conservation Law, 2012 establishes a broad framework for environmental protection, by setting out the duties and powers of the Ministry of Environmental Conservation and Forestry. However the law and the rules adopted by the Ministry still do not set out substantive requirements in relation to waste disposal, pollution of air, water and soil, or other actions which can be prejudicial to health or create a nuisance. Myanmar still lacks environmental quality standards, an environmental impact assessment framework and the technical capacity within the Ministry to monitor and assess large and complex extractive projects.

Myanmar is in the process of reforming its Foreign Investment Law and has announced that it will reform its mining law in order to attract foreign investment. However, these reforms must satisfy the need for the government to put in place adequate human rights and environmental protections.

Recommendations

The Monywa project is a cautionary tale on investment in Myanmar. It starkly demonstrates the unwillingness of the Myanmar government to monitor, regulate and provide remedies against companies with the aim of protecting human rights or to investigate its own officials.

In addition to concerns raised by Amnesty International in its general written statement on Myanmar,[3] the organisation urges the Human Rights Council to use any forthcoming resolution on the human rights situation in Myanmar to also raise concerns over the abuses at the Monywa project and the wider structural issues such as the absence of a legal framework to protect people from abuses linked to extractive projects.

Amnesty International recommends to the Government of Myanmar that it:

- Halt construction of the Letpadaung mine until human rights and environmental concerns are resolved in consultation with affected people.
- Investigate the excessive use of force by the police against Letpadaung protesters, including the use of white phosphorus.
- Ensure that all victims of human rights violations and abuses have access to effective remedies.
- Urgently enact and enforce legislation prohibiting forced evictions and strengthen environmental safeguards to ensure that people are protected against infringements of human rights caused by pollution of water, air or soil by extractive and manufacturing industries.

Amnesty International urges HRC Members and observer states to raise these concerns in discussion of Myanmar in the HRC and in their bilateral relations.

Amnesty International also recommends that concerned governments set out mandatory requirements for enhanced human rights due diligence by companies domiciled or headquartered in the country prior to undertaking any investment or operations in Myanmar.

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[3] Amnesty International, *Myanmar: Human rights reforms under threat*, Written statement to the 28th session of the UN Human Rights Council, March 2015, Index: ASA 16/010/2015

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Please recycle

Nigeria: Boko Haram and Nigerian military committing crimes under international law in north east Nigeria

BACKGROUND

Through ongoing research since 2009, Amnesty International has gathered evidence that raises the reasonable belief that the armed group known as Boko Haram and the Nigerian military have committed crimes under international law in the context of the conflict in north east Nigeria. While the government has the obligation to investigate, and where appropriate, prosecute and punish crimes under international law, there have not been sufficiently prompt, independent and effective investigations into allegations raised by Amnesty International and other organisations.

BOKO HARAM

Since 2009 Boko Haram has launched a violent campaign against the Nigerian state and its civilian population. The conflict escalated significantly in the last 12 months as Boko Haram conducted almost daily attacks in north east Nigeria, which killed more than 4,000 civilians in 2014.

The evidence collected by Amnesty International indicates that Boko Haram has committed crimes under international law, including war crimes and crimes against humanity. Boko Haram should be investigated for the following crimes under international law:

- Killings of civilians: In attacks on towns and villages in the north east, bomb attacks across the country and in areas under its control, Boko Haram has deliberately killed thousands of civilians. The group has targeted politicians, civil servants and others associated with the government. It has also targeted civilians in towns which established state-sponsored militia groups, known as the "Civilian Joint Task Force" (CJTF);

- Imprisonment and abductions: Boko Haram has abducted hundreds of civilians during raids on towns and villages. Politicians and civil servants have been held for ransom. Others, such as health workers or mechanics, have been abducted for their specialist skills. Boko Haram has also imprisoned civilians in towns under its control;

- Forced marriage, rape and sexual slavery: Girls and young women abducted by Boko Haram have, in some cases, been forced into marriage with Boko Haram members;

- Recruitment and use of child soldiers: Boko Haram has trained and used boys and girls during combat; and

- Pillage and targeting civilian objects: During raids on towns and villages, as well as in areas under its control, Boko Haram has looted homes, shops and markets. It has also attacked schools, hospitals and other civilian buildings.

NIGERIAN SECURITY FORCES

In its response to Boko Haram, the Nigerian armed forces, often relying on assistance from the CJTF, have committed serious human right violations. The evidence in Amnesty International's possession suggests that Nigeria's military has also committed crimes under international law, which may include war crimes and crimes against humanity. Amnesty is concerned by:

- Deaths in custody: More than a thousand suspects have died in military detention facilities as a result of extrajudicial executions, torture, starvation, disease, suffocation or other reasons associated with extremely poor detention conditions;

- Extrajudicial executions: Hundreds of men have been extrajudicially executed by the military while in detention or upon arrest. On 14 March 2014, Nigerian soldiers executed more than 640 recaptured detainees in

Maiduguri, after they were released during a Boko Haram attack on Giwa barracks. In August 2014 Amnesty International published video footage showing soldiers and CJTF members cutting the throats of six of these recaptured detainees in front of two open mass graves. According to eyewitness accounts nine people were killed in this way, while eight others were shot to death;

- Torture and other cruel, inhuman or degrading treatment: The military has tortured suspects in custody and kept them in overcrowded cells, without access to adequate sanitary facilities, food, water or medical care. These conditions amount to cruel, inhuman or degrading treatment;

- Arbitrary arrests: The military has arrested large numbers of civilians since 2009 without reasonable grounds, including through using unreliable hidden informants to screen entire communities of villages and towns in Borno and Yobe states. The military has also arrested relatives of Boko Haram suspects in lieu of the suspect; and

- Unlawful detention: In detention centres in the north-east and other locations in Nigeria, detainees have not had access to their families, lawyers or adequate medical attention. Those detained are allegedly held because they are members or supporters of Boko Haram, but most have never been charged and have not been brought before a court.

IMPUNITY

Amnesty International believes that the Government of Nigeria has failed to take prompt and effective steps to investigate and hold accountable most perpetrators of serious crimes on all sides, including Boko Haram, Nigerian military forces and the CJTF.

The military alleges that it has arrested large numbers of Boko Haram suspects. However, Amnesty International believes that in the majority of cases there is no reasonable suspicion that those arrested are linked to Boko Haram or have committed crimes under international law, and indeed there have been very few prosecutions of persons allegedly detained as Boko Haram suspects. Few, if any, of the prosecutions appear to be of senior Boko Haram commanders. Further, no suspects have been charged with crimes under international law. The failure to investigate and prosecute those allegedly responsible for these crimes under international law constitutes impunity.

The Government has also failed to adequately investigate and prosecute most allegations of violations of international humanitarian and human rights law committed by its armed forces and the CJTF, including the following emblematic cases:

- Amnesty International has repeatedly urged the government to initiate investigations into the high rates of deaths under military custody, with a view to ascertaining the reasons for the high rates of death and, if sufficient evidence is gathered, prosecuting those responsible. As far as Amnesty International is aware, no such investigations have been carried out to date; and

- On 14 March 2014, soldiers in Maiduguri extrajudicially executed more than 640 recaptured detainees freed by Boko Haram from the Giwa Barracks. After Amnesty International published video evidence of some of these executions in August, the government announced an internal military investigation into the allegations. The precise mandate, composition and timeline for this investigation has not been made public. No one has been held accountable for these executions.

RECOMMENDATIONS

Amnesty International urges the Human Rights Council and its members and observer states at the 28th session to urge Nigeria to:

- Respond positively to the requests to visit Nigeria made by the Special Rapporteur on the promotion and

protection of human rights and fundamental freedoms while countering terrorism, in fulfilment of recommendations Nigeria supported at the 17th Session of the Universal Periodic Review (UPR)[1];

- Develop and implement all necessary measures to put an end to the violations of human rights by security forces, including extrajudicial killings, torture and arbitrary arrests, in fulfilment of recommendations Nigeria supported at the 17th Session of the UPR[2]; and

- Strengthen the system of independent monitoring in all detention facilities in accordance with the Optional Protocol to the Convention against Torture and establish a human rights monitoring system which allows access to detention centres in Northern Nigeria as recommended by member states and accepted by Nigeria at the 17th session of the UPR[3].

In light of the deteriorating human rights situation in north east Nigeria, Amnesty International urges the Human Rights Council to become actively seized of the situation.

Amnesty International urges the Government of Nigeria to:

- Initiate independent, impartial, and thorough investigations into allegations of crimes under international law, including crimes against humanity and war crimes, committed by members of Boko Haram and the Nigerian military. Where sufficient admissible evidence is gathered, alleged perpetrators should be prosecuted in fair trials, without recourse to the death penalty;

- Take immediate and effective measures to guarantee the safety, security and protection of civilians and their property , and increase efforts to secure the lives and integrity of the civilians in accordance with its regional and international human rights obligations;

- Ensure that its security forces and members of the "Civilian Joint Task Force" adhere strictly to their obligations under international human rights law and international humanitarian law, in particular, ensure that detainees are protected from extrajudicial executions, torture and other ill-treatment and are treated humanely at all times;

- Ensure that no-one is arrested or detained in relation to the prevention, investigation or prosecution of crimes allegedly committed by members of Boko Haram in the absence of reasonable grounds to suspect them of responsibility for a recognisable criminal offence;

- Ensure that domestic law and practice relating to the detentions of suspects conform fully with international human rights treaties ratified by Nigeria as well as international human rights standards;

- Immediately ensure that no one is held in life-threatening or inhumane conditions and to this end, either immediately release all individuals detained by the military or ensure that they are transferred into the lawful custody of the police and brought immediately before a court to determine the legality of their detention; and .

- Issue invitations to the Special Rapporteurs on torture and other cruel, inhuman or degrading treatment or punishment, and on extrajudicial, summary or arbitrary executions to visit Nigeria.

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[1] Recommendations 135.39 to 135.41, 16 December 2013 "Report of the Working Group on the Universal Periodic Review: Nigeria" United Nations Human Rights Council A/HRC/25/6.

[2] Recommendations 135.68 to 135.73, ibid.

[3] Recommendations 135.34, 135.73, 135.108 to 135.109 and 135.112, ibid.

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Please recycle

Thailand: Post-coup violations continue: is a "temporary situation" becoming chronic?

Further to its statement to the UN Human Rights Council (HRC) in June 2014,[1] Amnesty International remains concerned that authorities in Thailand have continued to violate many of the country's international human rights obligations following the imposition of martial law on 20 May 2014 and the coup on 22 May 2014.

Notwithstanding the affirmation of the Thai authorities shortly after the imposition of martial law that its imposition was meant to be temporary and applied judiciously on the basis of necessity and with utmost care,[2] the authorities continue to use martial law powers to arbitrarily detain individuals, some of whom have been tortured or otherwise ill-treated, to prevent meetings and public events and to supress peaceful dissent. Derogations from Thailand's obligations under the International Covenant on Civil and Political Rights on the rights to appeal, freedom of expression and peaceful assembly, entered on 8 July 2014, remain in place.[3] Amnesty International considers that these derogations are not, or at any rate no longer, strictly required by the exigencies of the situation and in the case of the derogation from Article 14(5), defeat the object and purpose of the Covenant.

Fair trial rights are being violated by the use of military courts to try civilians. Trials are held in a single instance without the right of appeal. Individuals are also being tried in military courts for acts that have been criminalised in violation of Thailand's human rights obligations, including participation in peaceful gatherings and carrying out other peaceful acts of expression. Scores have already been prosecuted. Arrests under Thailand's lèse majesté law have dramatically increased and, since the coup, lèse majesté cases are tried in military courts with suspects being consistently denied bail.

Hundreds of politicians, academics, activists and journalists previously arbitrarily detained following the coup continue to be subjected to conditions of release, including restrictions on their rights to freedom of peaceful assembly, expression and movement, and face prosecution should they disobey. Many have been detained on more than one occasion.

Broad restrictions on freedom of expression and peaceful assembly remain in place, including a blanket ban on all political activities. The National Legislative Assembly has also approved amendments to legislation that would greatly expand the period during which the army can detain individuals without charge. Other proposed legislation would grant the government sweeping powers to carry out digital surveillance and block websites in the name of security without the intervention of courts. Authorities have also proposed legislation to merge the National Human Rights Commission with the Ombudsman.

The fate and whereabouts of Porlajee Rakchongcharoen, aka Billy, remain unknown. He is a Thai Karen activist who is believed to have been forcibly disappeared after being detained by officials in Kaengkrachan National Park, Petchaburi Province on 17 April 2014. At the time of his enforced disappearance, he was helping prepare a case in the Administrative Court against park officials. Concerns for the security of community and land rights activists are heightened following a number of killings by unidentified gunmen. On 11 February 2015, Chai Bunthonglek, a member of the Southern Peasants' Confederation of Thailand and campaigner for the land rights of the Khlong Sai Pattana community in Surat Thani province, was shot dead. Members of the community had been subjected to acts of violence, intimidation and harassment in recent months. His death is the fourth killing of a Khlong Sai Pattana activist since 2010. It follows the killings of land rights activist Somsuk Koh Khang, from Muang, Krabi, on 3 December 2014 and Pithan Thongnapong, a mining activist in Nakhon Si Thammarat on 30 November 2014.

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[1] http://www.amnesty.org/en/library/info/ASA39/010/2014/en

[2] "Aide-Mémoire on the current political situation in Thailand", Ministry of Foreign Affairs, 13 June 2014.

[3] https://treaties.un.org/doc/Publication/CN/2014/CN.479.2014-Eng.pdf

A longstanding human rights concern that persists in the period under martial law is that Thailand has also failed to provide asylum seekers with adequate protections as well as full and fair access to international refugee screening procedures. This is specifically evident in the case of significant numbers of Rohingya fleeing violence, discrimination and persecution in Myanmar.

Amnesty International urges the HRC members and observer states to call on authorities in Thailand to:

- Transfer all judicial jurisdiction over civilians from the military to civilian courts;
- End arbitrary detentions under martial law and restrict rather than enhance the army's powers to detain civilians;
- Independently and effectively investigate all reports of torture and other acts of ill-treatment, and bring those suspected of perpetrating these crimes to justice in fair proceedings outside military jurisdiction;
- Lift the sweeping restrictions on freedom of expression and peaceful assembly and withdraw all draft legislation imposing further restrictions;
- Overturn convictions and sentences, withdraw charges and release individuals who have been sentenced or charged for peacefully exercising their rights to freedom of expression or assembly;
- Repeal or amend the lèse majesté law to ensure that it does not penalize the peaceful exercise of the right to freedom of expression, and suspend the use of the law pending such repeal or amendments;
- Respect and protect the right to life, including of human rights defenders, and ensure that all violations of the rights of human rights defenders are promptly, effectively and independently investigated;
- Provide asylum-seekers with meaningful access to asylum procedures and to the UNHCR and ensure that individuals who are fleeing persecution are afforded international protection;
- End the indefinite and arbitrary detention of asylum seekers, often in heavily overcrowded conditions;
- Ratify the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol; and
- Restore full constitutional protection of human rights.

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Please recycle

Myanmar: Human rights reforms under threat

Myanmar's backsliding on human rights reforms – only a few months before general elections – underscores the necessity for the UN Human Rights Council (HRC) to adopt a strong resolution on the situation of human rights on the country and to extend the mandate of the Special Rapporteur on the situation of human rights in Myanmar.

HRC resolutions on the situation of human rights in Myanmar and the mandate of the Special Rapporteur have been critical to demonstrating the international community's support for human rights in Myanmar and have made a positive contribution towards improving the human rights situation there.

Continued strong engagement by the HRC is warranted as the human rights situation in the country remains serious. Myanmar is failing to make progress in several important areas and has slid back worryingly in others, just a few months before general elections. It is crucial that international scrutiny continues at such a critical juncture in the country's history.

The following is an overview of Amnesty International's concerns on the human rights situation and recommendations for the HRC's consideration. In addition to this statement, the organization has submitted to this session a written statement with concerns and recommendations relating to protection of people from abuses linked to extractive projects in Myanmar.[1]

Increased restrictions on freedoms of expression and peaceful assembly

Since the last HRC resolution on Myanmar, Amnesty International has documented an increase in the number of prisoners of conscience in the country,[2] in addition to an alarming rise in the harassment, arrest and detention of individuals who are simply exercising their rights to freedom of expression and peaceful assembly. These include human rights defenders, political activists, journalists, land activists, and farmers.

Furthermore, the government has not taken any effective steps to repeal or amend laws that violate the rights to freedom of expression and peaceful assembly or are used to punish the exercise of these rights. This creates an environment in which human rights defenders and journalists fear reprisals, which undermines their ability to carry out their legitimate work.

Amnesty International also continues to receive reports of other violations within the criminal justice system, including torture and other ill-treatment and unfair trials.

Crisis in Rakhine state

The situation of the Rohingya has continued to deteriorate. In Rakhine state, what started as a humanitarian emergency has increasingly become an entrenched human rights crisis.

The dire humanitarian situation of an estimated 139,000 displaced people in Rakhine State – mostly Rohingya – worsened following the expulsion of some humanitarian organizations in February and March 2014, and the withdrawal of others following attacks against them in March 2014. Although access has resumed for some organizations, humanitarian assistance has not returned to the levels prior to the attacks.

The situation in Rakhine state is fragile, and security concerns for people there are high. The Rohingya remain deprived of nationality under the 1982 Citizenship Act, and as a result they have continued to face restrictions on their freedom

[1] *Myanmar: Human Rights Council should address the need for stronger safeguards to ensure business respects human rights*, available http://www.amnesty.org/en/library/info/ASA16/011/2015/en .

[2] See for example *Myanmar: Stop using repressive law against peaceful protesters*, 15 October 2014 and *Myanmar: Jailing of new prisoners of conscience casts doubt on reform* , 2 May 2014, in addition to multiple urgent appeals available at: http://www.amnesty.org/en/region/myanmar.

of movement, with repercussions for their access to livelihoods. Amnesty International is particularly concerned about the proposed Rakhine State Action Plan, a leaked copy of which looks set to further entrench discrimination against the Rohingya. Furthermore, the government has not made the plan publically available – or consulted with affected communities.

The dire humanitarian situation, coupled with pervasive discrimination, increasing advocacy of hatred and threats of further restrictions, has pushed growing numbers of people to leave the Myanmar in recent months. In 2014 alone, the UN High Commissioner for Refugees (UNHCR) estimated 53,000 people left the Bay of Bengal by boat. Between October and December, UNHCR recorded a 37 per cent increase in the number of people departing compared to the previous year.

Rising religious intolerance

Amnesty International is particularly concerned about the package of laws aimed at "protecting race and religion", which are currently under consideration by the Parliament. The four laws – the Religious Conversion Bill, the Population Control Bill, the Myanmar Buddhist Women's Special Marriage Bill and the Monogamy Bill – contain many aspects that do not comply with international human rights law and standards, including Myanmar's legal obligations as a state party to the CEDAW and the CRC. Many provisions in these four laws discriminate on multiple grounds, including gender, religion and marital status.

Amnesty International is concerned that the passage of these four laws will not only result in increased discrimination, it could further heighten existing tensions between religious groups. We are deeply concerned about the continued rise in religious intolerance and hardline nationalist attitudes. The government has failed to speak out against the growing use of advocacy of hatred to incite discrimination, hostility and violence.

We share the condemnation by the UN High Commissioner on Human Rights of the deeply offensive and sexist comments made against the Special Rapporteur at the end of her visit to Myanmar. We note that others who speak out against hardline religious and nationalist views have also faced retaliation from state and non-state actors, including threats, harassment and even possible arrest. For example, writer Htin Lin Oo is currently in detention and facing imprisonment for making a speech criticizing the use of religion to promote discriminatory views. He faces up to three years in prison.

Failure to address human rights violations and abuses, including discrimination against Rohingya, and to address growing hardline nationalist attitudes and advocacy of hatred is a recipe for further violence.

Human rights violations and abuses in conflict areas

The situation in Myanmar's ethnic minority areas also deteriorated in 2014, with fighting in Northern Shan State and Kachin State now in its fourth year. Worryingly, violence appears to have intensified since the beginning of 2015, displacing parts of the civilian population.

Violations of international humanitarian and human rights law continue, with ongoing reports of unlawful killings and torture and other ill-treatment, including rape and other crimes of sexual violence – in particular by the Myanmar security forces. Amnesty International also receives reports of human rights abuses by armed groups aligned with certain ethnic groups. However, impunity persists for such violations and abuses, with perpetrators rarely, if ever, brought to justice.

Around 98,000 people remain displaced in Kachin and Northern Shan States. However, the Myanmar government continues to deny full and sustained access for humanitarian actors to displaced communities, particularly those displaced in Kachin Independence Army-controlled areas.

Impunity

Immunity from prosecution for past violations by the security forces and other government officials remains codified in Article 445 of the 2008 Constitution, meaning that perpetrators of both current and past human rights violations

continue to enjoy impunity. As a result, victims of both past and current human rights violations and their families have continued to be denied truth, justice, compensation and any other form of reparation.

Need for the prompt opening of an OHCHR country office

Despite commitments from the Myanmar government, the Office of the UN High Commissioner for Human Rights (OHCHR) has not yet been able to establish an office in the country. The establishment of an OHCHR office, with a full protection and promotion mandate and access to all areas of the country, is crucial to ensure monitoring of and reporting on the human rights situation in the country. While Amnesty International notes that there are several OHCHR staff able to work in Myanmar, the organization is concerned that they do not have full and sustained access to the country. This not only seriously impedes their ability to undertake their work, it raises serious questions about the extent to which the Myanmar government is co-operating with OHCHR.

Recommendations

- Amnesty International recommends that the HRC extend the mandate of the UN Special Rapporteur on the situation of human rights in Myanmar and urge the government to co-operate fully with the Special Rapporteur and other Special Procedures.[3]

Further, Amnesty International recommends that the HRC, its members and observer States urge the Government of Myanmar to:

- Release immediately and unconditionally all prisoners of conscience and drop charges against those currently not detained, but who are facing imprisonment simply for the peaceful exercise of their human rights;
- Ensure human rights defenders and journalists can carry out their legitimate work without fear of reprisal;
- End all discrimination in law, policy and practice against ethnic and religious minorities, and ensure Rohingya have equal access to citizenship rights;
- Ensure that humanitarian aid organizations have full and unfettered access to all displaced persons throughout the country;
- Immediately put an end to violations of international human rights law – including rape and other crimes of sexual violence – especially against members of ethnic minority groups;
- Ensure all those who are responsible for human rights violations and abuses – including those with command responsibility – are brought to justice in fair proceedings, without the imposition of the death penalty, and that victims can access truth, justice and full and effective reparation;
- Ratify and effectively implement international human rights treaties including the ICCPR; the IESCR, and the CAT;
- Engage constructively in the Universal Periodic Review when Myanmar is reviewed in late 2015; and
- Facilitate the establishment of an office of the OHCHR able to operate throughout Myanmar with a full promotion and protection mandate.

[3] http://www.ohchr.org/EN/HRBodies/SP/Pages/CountryvisitsF-M.aspx

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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the International Association for the Defense of Religious Liberty – Association Internationale Pour La Défense de la Liberté, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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United for liberty, peace & security and against violence &terrorism in the name of religion-World Liberty Forum/Congress

I. CONGRETULATION & INTRODUCTION

Mister President,

First of all we want to congratulate you Mr. Joachim Rücker, for this important position as the new President of the Human Rights Council (HRC), Ninth Cycle (2015) as you said "fully aware, to serve the Council in fulfilling its obligation to help to promote and protect our universal, indivisible, interrelated, interdependent and mutually reinforcing human rights and fundamental freedoms."[1] HRC has a great contribution together with the Office of High Commissioner for Human Rights (OHCHR) in favor of worldwide peace.

In same time, we want to express our great consideration for the work of High Commisioner of Human Rights Prince Zeid Ra'ad Zeid al-Hussein for "preventing human rights violations, securing respect for all human rights, promoting international cooperation to protect human rights".[2]

As Mr. Rücker said, also we –the AIDLR- strong believe that "is vital to join forces with the High Commissioner on Human Rights" and also with other organizations: European Union, Council of Europe, OSCE, OIC for global peace, development, human dignity and security.

In this time when according with Mr Zeid: "the world faces a growing number of simultaneous crises" we strong believe "this work of cooperation between international, regional and national human rights actors is clearly necessary, so that all of us can generate more impact…"[3].What we consider fundamental, according with profesor Heiner Bielefeldt Special Rapporteur on freedom of religión or belief, is that we "need coordination of all this stakeholders".

I'm convinced the energy, determination and wisdom of Mr. Rücker and Mr Zeid will gather together all expertise and the good will of every stakeholder –included of the civil society, international NGOs in favor of human rights and for all people of the world.

Excellences,

I'm Liviu Olteanu the Secretary General of the **International Association for the Defense of Religious Liberty.** I thank to all your Excellences, to worldwide Permanent Representatives to the United Nations, for on-going efforts on behalf of human rights, peace-making, security and trying to stop the terrorism, discrimination and persecution in the name of religion or related to religious liberty or related to the right of expression, at the international and regional level.

The AIDLR strongly condemn all kind of violence and terrorism, all discrimination and persecution of the Christians, Jews, Muslims, Buddhists, Hindus, atheists and so on –no matter where one tragedy should happens, - years ago started on 9/11 in US, or later in Madrid, London, in Bali, or Australia, specially in the last years in Iraq and Syria, or in Kenya, Pakistan, in Paris, in Baca Nigeria -where have been killed 2000 Christians-, in Denmark or in Libya.

I would like to believe that all of us which are participating to the UN at the 28[TH] Session of the HRC in this spring of 2015 would prefer to know that will not be more violence and terrorism in our world. Each person is unique, each life matters and has to be protected. We are concern how intolerance and discrimination has reached in the XXI Century an unimaginable and unprecedented gravity.

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[1] http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15423&LangID=E#sthash.MLm3BamY.dpuf
[2] http://www.un.org/apps/news/story.asp?NewsID=48064#.VOQcGsZDbUQ
[3] http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15563&LangID=E#sthash.meTKFmBn.dpuf

We believe that respect of dignity of every person, protection of fundamental rights and international law and religious liberty according with one's conscience, or the right of every one to express freely without fear, have to represent for the international community, (UN, EU, CoE, OSCE, OIC), *not only a priority but an urgency*; the respect of the life and of dignity of every person, requires a *common vigilance* and *empathy* with all those which are suffering - as children, girls, women, youth and adult people, no matter the culture, color, background, education, and so on. We love the diversity and the culture of respect and we have to do everything for intercultural and interreligious dialogue.

The AIDLR is in favor of the Security Council of UN (UNSC) resolution 2170(2014) on: "Reaffirming that terrorism constitutes one of the most serious threats to international peace and security", "stressing that terrorism can only be defeated by a sustained and comprehensive approach involving the active participation and collaboration of all States, international and regional organizations".

There are a number of **universal values in the Universal Declaration of Human Rights** that enjoy international acceptance: justice, solidarity, freedom, and tolerance. But there is a difference between the beliefs of the values we hold and values really lived.

II. PROPOSALS of the AIDLR to GET AUTHENTIC UNDERSTANDING, LIBERTY AND PEACE

1. We stress for respect for differences, religious minorities and the defence of justice, democracy and law

The defense of justice is a challenge today. One of the great difficulties resides in reconciling cultural identity and respect for differences in a society where beliefs and cultures coexist.

2. Efforts towards common objectives

The basis of the pedagogy of peace, respect and non-violence, is an education in hope and in the growth of freedom.

3. Avoiding the confusing principles and divergences

Human rights have been degraded to benefit confusing principles, interpreted according to individualistic and arbitrary ideologies.

4. Dignity, differential fact and moral and fundamental rights

Being a *person* is what gives humans a peculiar ***dignity***, under which they cannot be exchanged for a price. People differ from each other: by the political community to which they agree to belong, religious affiliation, cultural background and by countless dimensions, that together build up a whole personal being.

5. Multiculturalism and living with differences

Multiculturalism requires teaching HOW *to live with differences*. All people need to develop a deeper understanding of the religious and philosophical conceptions of other culture. The AIDLR urges an *intercultural education*. It is necessary to establish communication and interaction between all these Cultures without erasing the specific identity of each one of them.

6. Wised measures of communication and interaction between cultures and religions

It is easy to believe that you are tolerant, just by the fact that you are indifferent.

If I do not know the ideas, emotions and hopes of another, *I cannot know* or respect him. Human beings can enjoy existing together in their equality and differences and become mutually enriched from these differences.

According with one UNESCO Statement: If we want peace, we have to remember:

- Faith communities have a responsibility to promote conducts characterized by wisdom, compassion, the art of sharing, charity, solidarity and love; inspiring each one and all for the purpose that we choose the path of freedom and responsibility. Religions must be a source of creative energy.

- We need to assume in our way of thinking that the religions do not have to be identified with any political, economic and social power, so they can be free to work for justice and peace.

- We need to promote peace by opposing tendencies of individuals, communities and religions who believe, or even teach, they are inherently superior to others.

- We need to promote dialogue and harmony between religions and within each religion,

- Rooted in our faith, we want to build a culture of peace based on non-violence, tolerance, dialogue, mutual understanding and justice... Let us call the various religions and cultural traditions to join forces and collaborate with us to spread the message of peace.

The AIDLR urges international community, Islamic countries, all UN delegations, international NGOs, strongly condemning the religious hate, intolerance, all kind of religious discrimination, persecution, terrorism and killing of the Christians, Jews, Muslims, and other beliefs and religious minorities.

The AIDLR urges international community to act immediately and decisively by coordinated response. **The AIDLR stress** the need of international empathy for the other' crisis, no matter where happens. Audiences also tend to look more closely at *crises at home*.

III. WORLD FREEDOM & TOLERANCE FORUM

Excellences,
The AIDLR wants to organize here to the UN in Geneva a WORLD FREEDOM & TOLERANCE FORUM/Congress where we want to stress the need of a cooperation and coordination, developing a new horizon against every kind of violence and terrorism, and in favor of intercultural dialogue, religious minorities, security and peace.

We thank for the support of the UN delegations and other international bodies and experts on human rights and religious freedom, and we would like **to invite all the United Nations delegations** to join us as partners and cosponsors, offering the political support to this *Global Forum on Tolerance* which we prepared to take place –if should be possible on May or June this year 2015, with policy makers from UN, EU, Council of Europe, OSCE, OIC, with a strong participation of scholars, diplomats, politicians, religious leaders and civil society participants.

The AIDLR organized preliminary international events at the University Complutense of Madrid in January 2014 and to the UN HRC 26 session, with participants of international, regional and national level.

In this way together we want and we can contribute creating a peaceful world in favor of all of us and of the next generations.

More information on the Global Forum on Tolerance, you can receive from the AIDLR and from our partners and cosponsors.

Thank you Mr. President.
Thank you Excellences.